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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,951	01/30/2001	Daniel Scott Jorgenson	10005474-1	5537

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
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EXAMINER

NALVEN, ANDREW L

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/774,951

Applicant(s)

JORGENSEN, DANIEL SCOTT

Examiner

Andrew L Nalven

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-29 are pending.
2. Request for reconsideration submitted 30 August 2004 has been received and entered.

### ***Response to Arguments***

3. Applicant's arguments filed 30 August 2004 have been fully considered but they are not persuasive.
4. Applicant has argued on pages 8 and 12-14 that the Nakai reference (US Patent No. 6,253,248) fails to anticipated claims 1-8 and 12-26 because Nakai fails to teach "selecting a repository on one of the server computers based on one or more routing tokens in the file transfer request, wherein the routing tokens include one or more attributes describing the file, the client computer or an originator of the file transfer request. " Examiner respectfully disagrees. Examiner contends that Nakai does teach the above-cited limitations. Nakai teaches the selecting of a repository on one of the server computers based on one or more routing tokens in the file transfer request (Nakai, column 7 lines 37-56). A directory (viewed as a repository) is chosen based upon the routing tokens in the file transfer request (Nakai, column 7 lines 22-26, resource name). Nakai further teaches the routing tokens including one or more attributes describing the file, the client computer, or an originator of the file transfer request (Nakai, column 6 lines 55-65, resource name).

Applicant has argued on pages 14-16 that the combination of Nakai and Schloss in the rejection of claims 9-11 and 27-29 fails to meet the legal requirements for forming rejections under ~~35~~<sup>35</sup> USC 103. Examiner respectfully disagrees. Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Schloss reference (US Patent No. 5,706,507) provides teachings that modify the Nakai reference to produce the claimed invention (see rejection of claims 9-11 and 27-29 below) and provides motivation for combining the two references by suggesting that advantages such as access control, ability to bill clients, and cache recently requested content data (Schloss, column 4 lines 1-12) may be realized through the invention provided by Schloss. Thus, Schloss provides both the limitations needed to cure the defects of Nakai and the motivation to do so. dm

5. The following rejection is substantially similar to that found in the office action mailed 15 July 2004.

***Claim Rejections - 35 USC § 102***

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-8 and 12-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakai et al US Patent No. 6,253,248. Nakai discloses an information processing apparatus.

8. With regards to claims 1, 12 and 19, Nakai teaches one or more client computers connected to a global-area computer network (Nakai, column 3 lines 47-51, column 4 lines 48-54), a transport gateway computer connected to the global area computer network (Nakai, column 3 lines 53-59), a plurality of server computers connected to the transport gateway (Nakai, column 3 lines 51-52), a transport gateway computer program executable by the transport gateway with instructions for receiving a file transfer request from a client computer (Nakai, column 3 line 53 – column 4 line 14), the selecting of a repository on one of the server computers based on one or more routing tokens in the file transfer request wherein the routing tokens include one or more attributes describing the file, the client computer, or an originator of the file transfer request (Nakai, column 3 line 53 – column 4 line 14, column 5 lines 35-42, column 7 line 37- column 8 line 9), and performing the requested file transfer (Nakai, column 4 lines 10-14).

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9. With regards to claims 2-3, 13-14, and 20-21, Nakai teaches the transport gateway computer program further comprising instructions for determining whether an originator of the file transfer request is verifiably known and authorized and to perform the requested file transfer (Nakai, column 13 lines 12-55).

10. With regards to claims 4, 15 and 22, Nakai teaches the file transfer request being received by the transport gateway from the requesting client computer using a first communication protocol (Nakai, column 5 lines 35-61) and the file transfer request is sent by the transport gateway to the selected repository using a second communication protocol (Nakai, column 6 lines 5-52).

11. With regards to claims 5, 16 and 23, Nakai teaches the establishing of a communication path between the transport gateway computer and the selected repository and sending a corresponding file transfer request to the selected repository including information forward from the requesting client computer's file transfer request (Nakai, column 6 lines 5-26, column 4 lines 1-6).

12. With regards to claims 6, 17 and 24, Nakai teaches the relaying of the file content from the requesting client computer to the selected repository (Nakai, column 10 lines 47-65, Figure 8), receiving a corresponding file upload response from the selected repository (Nakai, column 11 lines 17-21), forwarding information in the file upload response to the requesting client computer, and terminating the communication path between the transport gateway computer and the selected repository (Nakai, column 11 lines 13-21).

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13. With regards to claims 7, 18 and 25, Nakai teaches the receiving of the corresponding file download response from the selected repository (Nakai, column 8 lines 3-9), forwarding information in the file download response to the requesting client computer (Nakai, column 8 lines 3-9), relaying the file content from the selected repository to the requesting client computer, and terminating the communication path between the transport gateway computer and the selected repository (Nakai, column 8 lines 3-9 and 41-46).

14. With regards to claims 8 and 26, Nakai teaches the requesting client computer connecting to the transport gateway computer over the global-area computer network using an HTTP or HTTPS communication protocol and the transport gateway computer connecting to the server computer storing the selected repository using an HTTP, HTTPS, or FTP protocol (Nakai, column 6 lines 5-45, column 9 lines 18-25).

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 9-11 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai et al US Patent No. 6,253,248 in view of Schloss US Patent No. 5,706,507. Schloss discloses a system for controlling access to data on a content server.

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17. With regards to claims 9 and 27, Nakai fails to disclose the client computers connecting to the global-area computer network through a firewall and/or a proxy computer. Schloss teaches the client computers connecting to the global-area computer network through a firewall and/or a proxy computer (Schloss, column 4 lines 1-12). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Schloss' method of using firewalls or proxy servers with Nakai's information processing apparatus because it offers the advantage of allowing the fetching of information by any authorized user (Schloss, column 4 lines 1-21) from any cooperating computer on the Internet by simply clicking on a link (Schloss, column 1 lines 23-35).

18. With regards to claims 10 and 28, Nakai fails to disclose the transport gateway computer connecting to the server computers through a firewall and/or a proxy computer. Schloss teaches the transport gateway computer connecting to the server computers through a firewall and/or a proxy computer (Schloss, column 4 lines 12-16). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Schloss' method of using firewalls or proxy servers with Nakai's information processing apparatus because it offers the advantage of allowing the fetching of information by any authorized user (Schloss, column 4 lines 1-21) from any cooperating computer on the Internet by simply clicking on a link (Schloss, column 1 lines 23-35).

19. With regards to claims 11 and 29, Nakai fails to disclose the global-area computer network connecting to the transport gateway computer through a firewall



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and/or a proxy computer. Schloss teaches disclose the global-area computer network connecting to the transport gateway computer through a firewall and/or a proxy computer (Schloss, column 4 lines 12-16). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Schloss' method of using firewalls or proxy servers with Nakai's information processing apparatus because it offers the advantage of allowing the fetching of information by any authorized user (Schloss, column 4 lines 1-21) from any cooperating computer on the Internet by simply clicking on a link (Schloss, column 1 lines 23-35).

### ***Conclusion***

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

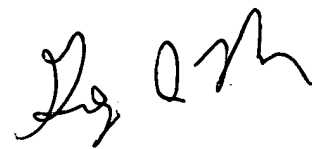
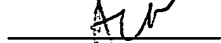
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21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L Nalven whose telephone number is 571 272 3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571 272 3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven



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